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May 21, 1998

BY HAND DELIVERY

Ms. Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554


Re: **Ex Parte**
PR Docket No. 92-235

Dear Ms. Salas:

This is to provide notice that Michele Farquhar of Hogan & Hartson sent the attached materials to the following FCC staff: Daniel Phythyon, Rosalind Allen, Josh Roland, D'Wana Terry, Herb Zeiler and Laura Smith of the Wireless Telecommunications Bureau, as well as the wireless advisors to the FCC Chairman and Commissioners (Ari Fitzgerald, Karen Gulick, Paul Misener, David Siddall, and Peter Tenhula). The materials discuss AAA's pending Petition for Reconsideration in the above-referenced matter.

An original and one copy of this filing is being provided. Please do not hesitate to call should you have any questions regarding this filing.

Sincerely,


Michele C. Farquhar

Enclosures

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NATIONAL ASSOCIATION OF GOVERNORS' HIGHWAY SAFETY REPRESENTATIVES

May 20, 1998

The Honorable William Kennard
Chairman
Federal Communications Commission
1818 M St., NW
Washington, DC 20554

Dear Mr. Chairman:


On behalf of the National Association of Governors' Highway Safety Representatives (NAGHSR), I am writing to comment on the significant work AAA performs in the area of highway and traffic safety.

NAGHSR has worked closely with AAA on many state and federal initiatives designed to improve the safety of motorists driving the nation's streets and highways. Among other things, we have worked together for the enactment of impaired driving legislation and on campaigns to educate the public about the need for properly restraining children in automobiles. AAA's work with communities and local safety officials to improve community safety is widely recognized and appreciated.

AAA's commitment to highway and traffic safety makes the organization a valuable partner for NAGHSR. AAA effectively provides the public with accurate and reliable safety information and services, and its status as a non-profit organization enhances the credibility of its materials.

NAGHSR has had the pleasure of working with AAA on many safety initiatives and look forward to opportunities to advance our common safety goals.

Sincerely,


Laura Ludwig, Deputy Director
Ohio Office of the Governor's Highway Safety Representative
and NAGHSR Chair

cc: FCC Commissioners
Legal Advisors to Commissioners

Five Reasons FCC Should Grant AAA's Petition for Reconsideration

- **Time is critical to emergency road service functions.**
- **Increasing interference/coordination problems have occurred with current approach.**
- **Emergency road service meets all the “quasi-public safety” characteristics cited by the FCC for railroads, power and petroleum companies.**
- **Minimal impact on other radio frequency assignments.**
- **AAA emergency road service has already been recognized as a vital public safety service by Congress and by many public safety entities**

Time Critical Functions

- AAA responds to over 29 million calls per year -- 80,000 per day
- 30 percent of AAA's service calls -- 8 million per year -- involve situations where there is *immediate threat to life or property*
- AAA coordinates closely with public safety officials, especially during mass emergency situations and urban area incident management response

Increased Interference

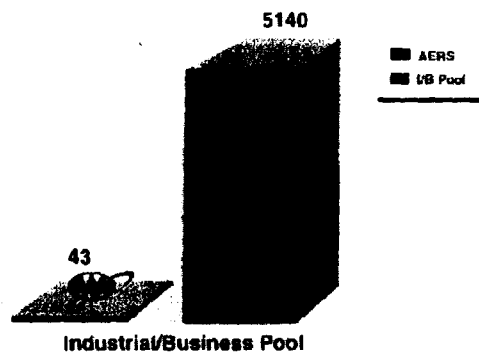
- Assignment of Auto Emergency frequencies by coordinators other than AAA could delay AAA's ability to respond in emergency situations
- Some AAA clubs already experience specific interference problems
- AAA expects a sharp increase in coordination and interference problems by year-end

AAA Meets FCC “Quasi-Public Safety” Characteristics

- **As a not-for-profit emergency services provider, AAA is seeking the same control over coordination as other non-governmental entities that serve significant safety needs: railroads, petroleum, power**
- **AAA “responds to emergencies that could impact hundreds or even thousands of people”**
- **Any failure in AAA’s “ability to communicate by radio could have severe consequences on public welfare”**
- **In emergencies, AAA’s operations “can take on an almost quasi-public safety function”**

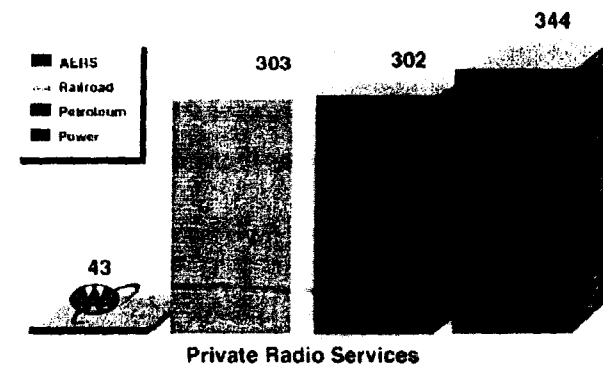
Minimal Impact

**Frequency Comparison Between Automobile
Emergency Radio Service and Industrial/Business
Pool (below 800 megahertz)**



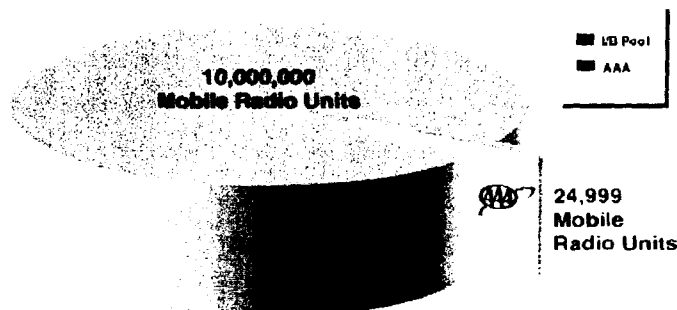
May 1998

**Frequency Comparison Between Automobile
Emergency Radio Service and 3 "Quasi-Public
Safety" Services (below 800 megahertz)**



May 1998

**Comparison of Mobile Radio Units Within
Industrial/Business Pool**



May 1998

AAA's Vital Public Safety Role

- **Congress recognized AAA's public safety role through an exemption from auctions contained in the 1997 Budget Act**
- **Auto emergency is the only “public safety radio service” identified by Congress that was included in the Industrial/Business pool with no control over coordination of frequencies**
- **Many public safety entities have also endorsed AAA's need for “quasi-public safety” status**

AAA WHITE PAPER

The Need for “Safety” Treatment of Frequencies in the Automobile Emergency Radio Service

Gary Ruark

Communications Specialist

AAA Emergency Road Service

Updated May 1998

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EXECUTIVE SUMMARY

The American Automobile Association ("AAA") is a not-for-profit federation of 90 auto clubs with over 40 million members. AAA's primary mission is to promote highway and vehicle safety, including the provision of emergency road services. AAA responds to over 30 million road service calls annually, more than 80,000 a day. Almost one-third of these calls involve an immediate threat to life or property, and AAA must respond on a time-critical basis. In addition to responding to emergency calls from its members, AAA works with state and local governments in providing traffic incident management and disaster relief, easing the burden on financially-strapped state and local agencies.

AAA has been using two-way voice radios for mobile communications since early 1940s. In the 1950s, the Commission established specific frequencies for auto clubs by creating the Automobile Emergency Radio Service ("AERS"). AAA coordinated road service providers' FCC radio station applications prior to the organized frequency advisory committees established in 1986, and was the frequency advisory committee for the AERS frequencies until October 17, 1997, when the rules adopted by the Commission in its *Refarming Order* took effect.¹ In its role as frequency coordinator, AAA best

¹ Consolidation of the Private Land Mobile Radio Service, Second Report and Order, PR Docket 92-235.

understands the road service business and how frequency assignments can be used efficiently and effectively.²

A critical factor behind the success of road service providers in serving the public has been AAA's exclusive frequency coordination recommendations for the AERS frequencies. Because AAA understands the demands that are placed on these frequencies, it is careful to avoid assignments that would cause interference that might delay a road service provider's ability to dispatch emergency calls. Interference results in delays because it takes longer for the road service dispatchers to send messages, and longer for emergency road service vehicle operators to respond. Because of the need for prompt communications in emergency situations and the tremendous volume of calls that must be dispatched, co-channel sharing or adjacent channel interference is unacceptable.

The rules adopted by the Commission in the *Refarming Order* eliminate AAA's exclusive ability to make coordination recommendations for the AERS frequencies, and instead permit any coordinator in the newly-formed Industrial/Business Pool to make such recommendations. The effect of these new rules has been to increase the likelihood of improper frequency assignments, thereby increasing the potential for interference on the AERS frequencies and delay in AAA's ability to respond to emergency road service calls. To avoid such a result, this paper recommends that the Commission require all frequency coordination recommendations in the AERS frequencies to be approved by AAA. This

² It should be noted that while AAA coordinated all of the AERS frequencies, only certain of the frequencies were reserved for auto clubs. As shown in the attached table, many of the AERS frequencies are used by other road service providers, such as independent tow trucks and locksmiths.

relief is consistent with the Balanced Budget Act of 1997, and supported by public safety officials, policymakers and industry representatives.

I. AAA's HISTORY OF PUBLIC SERVICE

The American Automobile Association (AAA) is a federation of 90 auto clubs dedicated to promoting the safety of the American driving public. AAA is a not-for-profit company that was organized in 1902 and incorporated in Connecticut in 1910. AAA recently passed a milestone in its 95-year history when the 40 millionth member joined the association.

AAA was founded to promote the improvement of automotive driving conditions. At that time, the United States lagged far behind Europe in paved roads, adequate maps and road signs. AAA spent the first two decades championing driving conditions, developing maps and marking/signing roads across the United States. The development of the federal and state highway systems was in large part due to the efforts of AAA. Once the highway system had improved and mass production of the automobile made it affordable to the masses, the nation took to traveling by automobile.

As the nation began to log more miles, it became apparent that some form of emergency road service assistance was necessary. Automobiles were affordable, but neglect or ignorance of maintenance, along with poor or primitive engineering and road conditions, made them prone to breakdowns. AAA responded by offering emergency road services.

The use of radio dispatch helped AAA to grow substantially over the years. AAA presently responds to almost 80,000 emergency road service incidents per day, and maintaining open communications channels is absolutely critical to this effort. AAA dispatches a road service call every 4.5 seconds from one of its 95 communications centers nationwide to over 34,000 mobile units.³ Multiple transmitters and sites allow large coverage areas using mobile radio equipment. The emergency road service providers' ability to render efficient and timely emergency road service is dependent on the radio infrastructure.

As the average age of automobiles on the road increases (almost 9 years), the number of road service incidents is increasing.⁴ Between 1995 and 1996, AAA road service incidents increased 8.1 percent.⁵ Increasing incident volume requires additional road service equipment to handle the demands. The equipment requires two-way radio communications with AAA dispatchers. When AAA's service demands increase so does the need and dependency on radio communications.

Many people think AAA's role is limited to routine tasks, such as starting dead batteries in members' driveways. But AAA serves a much broader and important role. As described below, by providing emergency services to its members, by assisting non-members in finding and dispatching a road service provider, by assisting with traffic

³ From AAA's 1996 emergency road service statistical reports.

⁴ Increasingly complex, proprietary automotive technology has made it difficult for the consumer to maintain, even understand their vehicles.

⁵ From AAA's 1996 emergency road service statistical reports.

incident management and disaster relief, and by working cooperatively with state and local government agencies, AAA has a long-standing record of providing safety services.

A. *Emergency Services*

In 1996, AAA responded to 30 million emergency road service incidents, of which approximately 8.5 million involved true emergency situations in which there was some risk of danger to the health or property. A full 3.1 million of these calls involved incidents where members were traveling in unfamiliar areas.⁶ AAA treats these types of incidents as priorities, resulting in immediate service vehicle dispatching. When AAA receives a call from a member experiencing anxiety, the counselor requests that the member allow AAA to send a public safety official to their assistance. If a member expresses concern that their safety is threatened, AAA automatically contacts a public safety agency to respond. Many AAA clubs have direct phone lines to public safety agencies, while others have the numbers programmed into their emergency road service counselors' phones. As part of AAA's 95-year history, AAA clubs not only are dedicated to their members, but to the common good of the traveling public. If a non-member contacts a AAA club during a critical time of need, AAA will respond or work directly with the appropriate public safety agency.

AAA routinely responds to a wide variety of emergency road service incidents, such as oxygen canisters that are locked in cars; babies that are locked in running cars;

⁶ From AAA 1996 Road Service Statistical Report.

elderly people that are disoriented and call AAA for help; members that experience heart attacks at their cars, requiring AAA to call public safety and render assistance; members that are lost in snow storms and have to be found; and members that suffer from heat stroke in the desert. AAA drivers have assisted in delivering babies, delivering medicine, ferrying doctors to hospitals, and they also have been shot, beaten, threatened, robbed and killed, all while trying to provide emergency road service.⁷ The radio communications between the road service fleet and AAA dispatch centers provide the road service professionals with a means to seek help.

B. Highway Safety and Traffic Incident Management

In Los Angeles, San Francisco, Philadelphia, Detroit and other locations, AAA has roving patrols on some of the major metropolitan highways to offer assistance to stranded motorists. This service is provided at no charge to the general public and in cooperation with public safety agencies. In some parts of California, AAA receives and handles the calls from the public roadside emergency call boxes installed for highway safety purposes by local municipalities. By using AAA to perform these services, public safety agencies are relieved of these functions and can devote their time to other efforts

On a daily basis, AAA relieves traffic congestion by removing vehicles from crowded roadways. Most vehicles that require towing break down somewhere in route, and not in a parking lot or driveway. Of AAA's annual 12.5 million emergency road

⁷ From interviews with AAA Club staff, newspaper articles and tape recorded road service calls.

service calls that involve towing from the scene of disablement, almost all require AAA to manage and resolve traffic incidents.⁸ Every time a vehicle blocks traffic, congestion occurs and motorists experience delays, accidents, increased fuel consumption and aggravation. The faster the cause of the congestion can be eliminated, the quicker traffic patterns will return to normal and safe driving conditions are restored.

AAA's fleet is able to react quickly and intelligently to these incidents because of the clear AAA club dispatch to the mobile radio unit via the AERS frequencies. Being in constant contact with the emergency road service fleet permits AAA to direct the nearest and/or most available truck to the scene. Therefore, removal of the obstruction is carried out that much more quickly. AAA drivers are trained professionals and know how to handle these situations working hand-in-hand with public safety agencies.

One of the many reasons public safety agencies use the AAA fleet for accident removal is because they know AAA has ample and diverse equipment, trained road service professionals, and that at any given time a unit is likely to be nearby. When public safety officials are at the scene, AAA and other road service personnel take instructions from them; however, more often than not, public safety officials will leave when AAA arrives, entrusting AAA to remove the vehicle and clear the roadway of any debris. In either instance, the goal is to assist the stranded motorist and remove the vehicle as quickly as possible to a safer location so that normal traffic patterns can resume.

⁸ Id.

In addition, AAA's emergency road service professionals routinely report traffic accidents, debris in the road, traffic lights that are malfunctioning, etc. to AAA clubs which relay the information to the appropriate public safety agency.

C. Assistance to State and Local Governments

A common misconception is that AAA services only benefit AAA members. As demonstrated by the following examples, local and state government agencies rely upon AAA to offer its assistance, and AAA is committed to public service during disaster relief:

- During the October, 1989 Oakland, California earthquake, public safety authorities requested that anyone having portable radio equipment make it available for search and rescue purposes. The AAA club in San Francisco loaned its mobile command post to public safety and later its road service fleet for rescue operations. The mobile command post became the public safety agencies lifeline, and later the public safety department built its own mobile command post based on AAA's design. This AAA club has also loaned its mobile command radio station and fleet to the Red Cross and Mayor's Office for special events. During the 1997 Mayor's Conference in San Francisco the AAA club provided the transportation services, and these were coordinated using the AERS frequencies with the local police department.⁹
- In 1992, Hurricane Andrew swept through south Florida, destroying everything in its path. Public telephones, cellular telephones, and the communications of the National Weather Service's Hurricane Center were wiped out, as were most of the local governments'

⁹ Obtained from California State Automobile Association employee interviews.

communications systems. Although the AAA dispatch center in south Miami sustained damage (the roof mounted communications antenna was blown down and water penetrated the building, knocking out the base stations), AAA was able to establish a generator and portable antenna/base station, allowing AAA to resume dispatching. Public safety officials and AAA joined forces to use the AAA communications system and road service fleet to ferry disaster agency personnel and communications from one disaster site to another. The tow trucks were put to use removing debris from the roadways so that emergency rescue and police vehicles could reach the inhabitants. The same equipment was then used to lift debris so that rescue workers could reach the injured. Later tow trucks were used to move portable housing into the area.¹⁰

- In the summer of 1997, Charlotte, North Carolina experienced severe flooding and the local AAA club responded by using the emergency road service equipment to pull vehicles from rushing streams and remove fallen trees from roadways.
- In the winter of 1995, Chicago experienced temperatures 20 degrees below zero. Vehicles were incapable of starting and people were left stranded under these conditions. AAA kept its trucks running 24 hours a day whether they were parked or not. The local AAA club ferried doctors and nurses to and from hospitals in the tow trucks because the public safety vehicles were busy with other problems or immobilized by the cold.¹¹

¹⁰ Obtained from AAA Florida employee interviews.

¹¹ Obtained from AAA Chicago Motor Club employee interviews.

- In a number of jurisdictions, the road service fleet is put at the disposal of local municipalities during periods of snow emergencies. The road service vehicles are used to reach stranded motorists and extricate their vehicles from the snow. Rescuing the people is of immediate concern because hypothermia will set in quickly without a source of heat. Often the vehicles are “plowed in” requiring road service professionals to coordinate their activities with highway maintenance departments. Activities are coordinated using the radio equipment.¹²

Over the years the AAA frequency coordinator, through inter-service sharing, has assigned AERS frequencies to over 150 different public safety departments, many within the last two years. One result of the *Refarming Order* is that it is no longer possible to routinely share between the Industrial/Business and Public Safety Pool. Nevertheless, AAA will continue to monitor assignments by other Industrial/Business Pool frequency coordinators on the AERS frequencies. If a concern arises, AAA will contact the appropriate public safety coordinator, make them aware of the situation and let them respond to the other coordinator.

D. AAA Benefits Non-Members

Non-members routinely call AAA for emergency road service. People know AAA is the leading emergency road service provider, and even though they are not members they call AAA to locate a road service facility. AAA does not refuse to assist non-members. AAA clubs' refer them to the nearest facility for emergency road service. In

¹² Obtained from AAA Western New York, AAA Chicago Motor Club, AAA Mountain West, AAA Northern New England, etc. employee interviews.

this way no one is left without a source to locate emergency road service.¹³ In addition, AAA's national policies regarding road improvements, traffic safety and travel services benefit non-members because the driving public shares the same concerns regardless of auto club affiliations. For example:

- Many AAA clubs have traffic reporting in the air and on the ground in cooperation with a local radio station. All vehicle operators have access to AAA's traffic information through their vehicle's radio. Traffic reporting is performed using the auto club radio frequencies. AAA clubs are performing a public service with traffic reporting.¹⁴
- AAA's emergency road services benefit non-members by insuring that an adequate fleet of road service vehicles is available. When AAA service providers are not providing AAA members with emergency road service, they are serving other customers. If it were not for AAA's high standards regarding the road service fleet, it is doubtful the nation's road service providers would have the appropriate quality or quantity of vehicles to meet the need.¹⁵
- AAA publishes a towing and lockout manual annually which is available to road service professionals. Every new vehicle below 3/4 ton is included with specific instructions regarding proper towing/transporting techniques and entry procedures. Before this publication became available there were many incidents of damage resulting from inappropriate towing points being used and damage to inside doors and steering columns from incorrect entry and

¹³ AAA Club activities.

¹⁴ California State Automobile Association in San Francisco and Las Vegas, Automobile Club of Southern California in Los Angeles and Dallas, Automobile Club of New York in New York City, AAA Mid-Atlantic in Philadelphia, etc.

¹⁵ AAA National Office Automotive Services activity.

locksmith attempts. AAA conducts classes to train road service professionals how to perform these activities properly. The same professionals that learn these procedures and techniques service AAA members and non-members' vehicles.

- AAA is actively involved with the Society of Automotive Engineers to achieve uniform towing points on vehicles and advances in the design and construction of road service equipment. The public benefits from AAA's involvement because the same equipment is used to service all vehicles. This reduces the cost to road service fleets by not having to purchase specialized equipment for different vehicles. These costs would be passed onto the consumer. Equally important is that uniform standards substantially reduce the number of damages to vehicles resulting from towing equipment. This helps reduce insurance costs and litigation.¹⁶

II. ADDITIONAL PROTECTION IS NECESSARY TO PREVENT HARMFUL INTERFERENCE ON THE AUTO EMERGENCY FREQUENCIES

In the *Refarming Order*, the Commission consolidated 20 existing Private Land Mobile Radio Services (PLMRS) into two broad pools: a Public Safety Pool and an Industrial/Business Pool. The Public Safety Pool consists almost exclusively of government users and other safety-related users, such as private ambulance services. Frequency coordinators in the Public Safety Pool retained their ability to control the assignment of licenses in their assigned frequencies (*e.g.*, APCO will continue to be the sole coordinator for frequencies in the Police Service).

¹⁶ AAA National Office Automotive Services activity.

In contrast, the Industrial/Business Pool consists largely of internal business users. Any frequency coordinator within the Industrial/Business Pool may assign any frequency within the pool (e.g., PCIA may coordinate frequencies in the Taxicab Service, which previously was coordinated exclusively by the International Taxicab and Livery Association). The sole exception to this general policy is that frequency coordinators for three designated "safety" services (Railroads, Power and Petroleum) were permitted to retain some specified measure of control over the assignment of licenses within their originally assigned frequencies. Notwithstanding the substantial evidence in the record regarding AAA's history of public safety activities, the Commission placed the AERS frequencies in the Industrial/Business Pool without the protections afforded the three "safety" services within that pool.

A. *The Refarming Order Already Has Resulted in Significant New Interference Problems on the Auto Emergency Frequencies, and the Situation Will Worsen Without FCC Action.*

By placing the Auto Emergency frequencies in the Industrial/Business Pool, the Commission eliminated AAA's exclusive administrative assignment of those frequencies, and enabled other frequency coordinators in the Industrial/Business Pool to assign licenses using those frequencies. This creates problems because some frequency coordinators may not understand the business of operating an auto club or towing company, including the emergency and safety oriented functions that can arise at any moment. They also may not

be sensitive to the fact that AAA dispatches a road service call every 4.5 seconds, which makes co-channel sharing inappropriate.

This lack of understanding of the road service business by some coordinators within the Industrial/Business Pool, combined with the lack of mandatory frequency coordination standards that reflect the specific needs of road service providers, increases substantially the likelihood of improper frequency assignments on the AERS frequencies. A "one size fits all" practice is inappropriate when assigning radio frequencies because some business activities are substantially different than others, and therefore require different rules and procedures. The effect of allowing the AERS frequencies to be assigned by coordinators other than AAA will be to increase substantially the potential for interference to incumbent AERS users.

AAA already has encountered problems with the new system in only the first few months. In Portland, Maine, for example, one of the frequency coordinators in the Industrial/Business Pool assigned a high power paging system on a frequency that the local AAA club has been using for many years for dispatching emergency road service. This resulted in the AAA club not being able to use the frequency because the paging operation was only 8 miles away, creating complete interference to the AAA voice operations (pagers do not monitor the frequency on which they broadcast for other users). This situation left the AAA club without two-way radio service in Portland for 5 days. This created a communications breakdown, resulting in long road service vehicle response delays. The police department (for which the club tows) and many of the members

requesting service were irritated by the inconvenience. Had this situation occurred a few weeks later, when the State of Maine was hit with devastating ice storms, this interference problem would have created a significant threat to public safety.

The paging operator was not cooperative in resolving the situation. The AAA frequency coordinator had to contact the coordinator that recommended the assignment and insist that they terminate the paging system's use of the frequency. The other coordinator was cooperative with AAA, but it was not immediately effective in resolving the situation with the paging licensee. The AAA club had to have their attorney contact the paging system licensee to resolve the matter. The paging licensee terminated use of the frequency only after the attorney became involved, and another frequency was assigned. It is unlikely that this incident would have occurred if AAA had remained the sole coordinator able to assign the AERS frequencies.

AAA faced a similar situation in the Boston area. In that case, a data system was placed on a frequency adjacent to one used by AAA. This caused interference on the AAA channel that rendered it unusable. As with the Portland situation, a substantial amount of AAA resources must be devoted to negotiating with the offending licensee and the coordinator that assigned the license. All the while AAA must use different, less efficient ways to communicate with road service providers and those who benefit from AAA's emergency services must put up with unnecessary delays.

AAA expects that the frequency and severity of these problems will only get worse if the FCC does not provide additional protection to the AERS frequencies. Moreover, the